

C. The CVR Board shall annually determine whether a sufficient reserve exists in the Crime Victim Reparation Fund. If a sufficient reserve does not exist, the CVR Board shall not authorize the Victim Services Grant Program for that year. If a sufficient reserve does exist, the CVR Board may authorize the Victim Services Grant Program for that year.

D. When the Victim Services Grant Program is authorized, the CVR Board:

1. shall determine the amount available for the Victim Services Grant Program for that year;

2. shall announce the availability of grant funds through a request for proposals or other similar competitive process approved by the Board; and

3. may establish funding priorities and shall include any priorities in the announcement of grant funds.

E. Requests for funding shall be submitted on a form approved by the CVR Board.

F. The CVR Board shall establish a process to review requests for funding and shall make final decisions regarding the approval, modification, or denial of requests for funding. The CVR Board may award less than the amount determined in Subsection (D)(1). The decisions of the CVR Board may not be appealed.

G. All awards shall be for a period of not more than one year. An award by the CVR Board shall not constitute a commitment for funding in future years. The CVR Board may limit funding for ongoing projects.

H. Award recipients shall submit quarterly reports to the Office of Crime Victim Reparations on forms established by the Director. The CVR staff shall monitor all victim services grants and provide regular reports to the CVR Board.

**KEY:** victim compensation, victims of crimes

**Date of Enactment or Last Substantive Amendment:** [October 23, 2006] 2007

**Notice of Continuation:** July 3, 2006

**Authorizing, and Implemented or Interpreted Law:** 63-25a-401 et seq.

promulgated, the Clean Air Act requires states to submit a SIP under section 110(a)(2)(D)(i) to address interstate transport of emissions that would affect nonattainment and maintenance areas in neighboring states, as well as prevention of significant deterioration (PSD) and visibility programs. Proposed SIP XXII relies on computer modeling conducted by the Environmental Protection Agency (EPA) in developing its Clean Air Interstate Rule; the modeling indicates that emissions from seven western states including Utah do not affect nonattainment and maintenance areas for PM2.5 and ozone in other states. EPA's guidance indicates that states such as Utah with EPA-approved PSD programs do not interfere with similar programs in other states. Finally, EPA's guidance states that visibility effects are still being analyzed as part of SIPs to address regional haze that are due in December 2007, and states may indicate now that they do not know their impact on visibility.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(3)(e)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: State Implementation Plan Section XXII, Interstate Transport

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There is no change in costs for state government, because the new SIP does not add any control measures.

❖ LOCAL GOVERNMENTS: There is no change in costs for local governments, because the new SIP does not add any control measures.

❖ OTHER PERSONS: There is no change in costs for other persons, because the new SIP does not add any control measures.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no change in costs for affected persons, because the new SIP does not add any control measures.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no change in costs for state government, because the new SIP does not add any control measures. Dianne R. Nielson, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY  
AIR QUALITY  
150 N 1950 W  
SALT LAKE CITY UT 84116-3085, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jan Miller at the above address, by phone at 801-536-4042, by FAX at 801-536-0085, or by Internet E-mail at janmiller@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 01/02/2007

## Environmental Quality, Air Quality R307-110-36 Section XXII, Interstate Transport

### NOTICE OF PROPOSED RULE

(Amendment)

DAR File No.: 29227

FILED: 11/15/2006, 11:11

### RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to add a new Subsection XXII to the State Implementation Plan (SIP) that is incorporated by reference by Rule R307-110.

SUMMARY OF THE RULE OR CHANGE: This amendment adds a new Section R307-110-36 that incorporates by reference a new Section XXII, Interstate Transport, of the SIP. When a new National Ambient Air Quality Standard (NAAQS) is

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 12/21/2006 at 1:30 PM, Division of Air Quality, 150 N 1950 W, Main Conference Room, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2007

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

### R307. Environmental Quality, Air Quality.

#### R307-110. General Requirements: State Implementation Plan.

#### R307-110-36. Section XXII, Interstate Transport.

The Utah State Implementation Plan, Section XXII, Interstate Transport, as most recently adopted by the Utah Air Quality Board on February 7, 2007, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

KEY: air pollution, PM10, PM2.5, ozone

Date of Enactment or Last Substantive Amendment: [December 6, 2006] 2007

Notice of Continuation: June 16, 2006

Authorizing, and Implemented or Interpreted Law: 19-2-104(3)(e)

## Environmental Quality, Air Quality

### R307-210

#### Stationary Sources

#### NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 29228

Filed: 11/15/2006, 11:11

#### RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Rule R307-210 incorporates by reference most of 40 CFR Part 60, federal requirements for stationary sources. The purpose of this amendment is to update Utah's rule to incorporate the latest federal requirements, and to exclude from incorporation the recent Subpart HHHH which regulates mercury emissions from electric generating units (see filings on Rules R307-220, R307-224, and R307-424). (DAR NOTE: The proposed amendment for Rule R307-220 is under DAR No. 29229, the proposed new Rule R307-224 is under DAR No. 29230, and the proposed new Rule R307-424 is under DAR No. 29231 in this issue, December 1, 2006, of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: This amendment adds to Rule R307-210 the incorporation of federal amendments to Part 60 that became effective between July 2005, and June 30, 2006. Affected sources are already subject to the regulations; incorporating them allows Utah to enforce these regulations as they affect sources in Utah. The alternative would be federal enforcement on Utah sources. The changes added this year are the following: 1) May 18, 2005, 70 FR 28606; 70 FR 62213, October 28, 2005; and June 9, 2006, 71

FR 33388. Electric Utility Steam Generating Units. Amend Subparts A, B, Da, HHHH, and Appendix B. (NOTE: Subpart HHHH is specifically excluded from incorporation by reference into Rule R307-210; see separate filing in this issue for Rule R307-224, where parts of Subpart HHHH are incorporated.) In these actions, the Environmental Protection Agency (EPA) finalized the Clean Air Mercury Rule (CAMR) and established standards of performance for mercury (Hg) for new and existing coal-fired electric utility steam generating units (Utility Units), as defined in Clean Air Act (CAA) section 111. The amendments to CAA section 111 rules establish a mechanism by which Hg emissions from new and existing coal-fired Utility Units are capped at specified, nation-wide levels. Allowances are readily transferable among all regulated facilities. The EPA also amended the definition of "designated pollutant" to conform to EPA's interpretation of the provisions of CAA section 111(d)(1)(A). The final rule was effective on June 9, 2006; 2) September 22, 2005, 70 FR 55568. Amend the definitions in Subpart CCCC, Commercial and Industrial Solid Waste Incinerators. (NOTE: There are no existing sources in Utah subject to this rule.) With this action, EPA promulgated revised definitions for the terms "solid waste", "commercial or industrial waste", and "commercial and industrial solid waste incineration unit". The final rule was effective September 22, 2005; 3) December 16, 2005, 70 FR 74869. Amendments to Subpart A, and add new Subparts EEEE and FFFF, Other Solid Waste Incineration Units. (NOTE: There are no existing sources in Utah subject to this rule.) EPA promulgated new source performance standards (NSPS) and emission guidelines for new and existing "other" solid waste incineration units (OSWI). The final rules address only the incineration of nonhazardous solid wastes. The rules were effective on February 14, 2006, and June 16, 2006; 4) December 16, 2005, 70 FR 74679. Correct the definition of "Annual capacity factor" in Subpart Dc, 40 CFR 60.41c, Electric Generating Units; 5) February 24, 2006, 71 FR 9453. Amend Subpart GG, Stationary Gas Turbines. Revise certain portions of the standards of performance for stationary gas turbines to clarify that EPA is not imposing new requirements for turbines constructed after 1977. Owners and operators of existing and new turbines may use monitoring that meets the pre-existing monitoring requirements. In addition, EPA described a number of acceptable compliance monitoring options that owners and operators may elect to use for these units. The rule was effective on April 25, 2006; 6) February 27, 2006, 71 FR 9865. Amendments to Subparts Da, Db, and Dc, Electric Utility Steam Generating Units. This action amends standards for performance for nitrogen oxides (NOX), sulfur dioxide (SO2), and particulate matter (PM) contained in the new source performance standards (NSPS) for electric utility steam generating units and industrial-commercial-institutional steam generating units. The rule was effective on February 27, 2006; 7) May 10, 2006, 71 FR 27324. Amend Subpart E, Large Municipal Waste Combustors. (NOTE: There are no Utah sources subject to this rule.) As part of amendments to the air emission standards for existing and new large municipal waste combustor (MWC) units, EPA revised Subpart E, applicability and designation of affected facility. The amendments to Subpart E became effective May 10, 2006; and 8) June 1, 2006, 71 FR 31100. This action